

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WISCONSIN**

MADISON VIGIL FOR LIFE, INC.,
GWEN FINNEGAN, JENNIFER DUNNETT,
MARY MARKIELEWSKI,
THERESA KLINKHAMMER, CONSTANCE
NIELSEN, STUDENTS FOR LIFE OF MADISON,
BADGER CATHOLIC, FR. RICHARD HEILMAN,
SARAH QUINONES and RYAN WOODHOUSE,

Plaintiffs,

Case No: 14-cv-157-wmc

v.

THE CITY OF MADISON, WISCONSIN,

Defendant.

DEFENDANT CITY OF MADISON'S UPDATE ON STATUS OF MGO 23.01

I. SUBSTITUTE MGO 23.01 IS NOW EFFECTIVE.

Defendant City of Madison provides this update regarding the current status of Substitute Madison General Ordinance 23.01. As explained in the City's previous filing, the Madison Common Council reconsidered MGO 23.01 as originally passed, and adopted Substitute MGO 23.01 at the Common Council meeting held on March 18, 2014. Substitute MGO 23.01 has subsequently been approved by the Mayor and published in the Legal Notices section of the Wisconsin State Journal. Publication occurred on March 26, 2014. (Painter Dec. ¶ 2). Both the Legal Notice and the Legistar File for MGO 23.01 state that the effective date of the ordinance is March 27, 2014. (Painter Dec. ¶ 3). As of today, Substitute MGO 23.01 is in effect.

Plaintiffs initially opposed the City's motion to dismiss and stay briefing on the preliminary injunction request on the grounds that MGO 23.01, as originally passed by the

Common Council, remained in effect unless and until a new ordinance had been enacted. Plaintiffs clarified in their sur-reply brief that, "[u]pon receiving information that the ordinance amendment has actually been enacted by virtue of the Mayor's approval . . . Plaintiffs will promptly file an amended complaint and amended request for injunctive relief." Plts.' Sur-reply, dkt. #19, at 3. *See also id.* at 2 (stating that plaintiffs "are prepared to file an amended complaint one or two business days of receiving notice that the amended ordinance has actually been enacted."). Now that Plaintiffs have received notice of the enactment of Substitute MGO 23.01, Plaintiffs' amended pleadings and amended request for injunctive relief are likely forthcoming. In light of this, the Court should vacate the briefing schedule associated with Plaintiffs' pending motion for preliminary injunctive relief, since that motion relates to an ordinance that is not in effect and has been superseded by Substitute MGO 23.01.

I. CONCLUSION.

The Court should grant the motions by the City of Madison to dismiss Plaintiffs' current complaint and to stay briefing on Plaintiffs' current motion for preliminary injunction.

DATED: March 27, 2014.

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By

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